

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
ERIC M. BOETTNER and)
JOHN ERICK LAWSON)
Serial No.)
Filed: CONCURRENTLY)
For: **Improved Manufacture of Combination**)
Spoon and Straw Utensils and Novel)
Straw and Dip Tube Configurations)

August 28, 2003

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATON DISCLOSURE STATEMENT

Sir:

As suggested by 37 C.F.R. §1.97, applicant's undersigned attorney brings to the attention of the Patent and Trademark Office the references listed on the attached Form PTO-14490, a copy of each of which is enclosed. This is not to be construed as a representation that a search has been made, or that no better prior art exists, or that a reference is relevant merely because cited.

MCCREA, U.S. Patent No. 5,038,476, discloses a sipping spoon with an internal bottle, apparently contemplating construction of the utensil of two or three pieces at column 2, lines 30-48.

BERNS, et al., U.S. Patent No. 5,494,430 and and DICKHUT, et al., U.S. Patent No. 6,193,496, disclose representative corrugators with mold blocks of a general type that might be used to manufacture utensils according to the present invention.

LEWIS, U.S. Patent No. 5,727,321, discloses a spoon and straw utensil fabricated from separate pieces.

CRANE, et al., U.S. Patent No. 5,946,807, teaches a novelty spoon with straw function typically made of three parts, one of which is for ornamentation.

BITTON, U.S. Patent Nos. 5,915,600, 6,006,958, 6,223,939 and 6,345,731, teach the use of dip tubes on which are mounted separate ornamental figures.

BOILEAU, U.S. Patent No. 6,119,897, discloses a dip tube used in combination with a decorative tube.

ZAKSENBERG, U.S. Patent No. 6,276,566, discloses the suspension of ornamental figures within a container, in some instances using a dip tube.

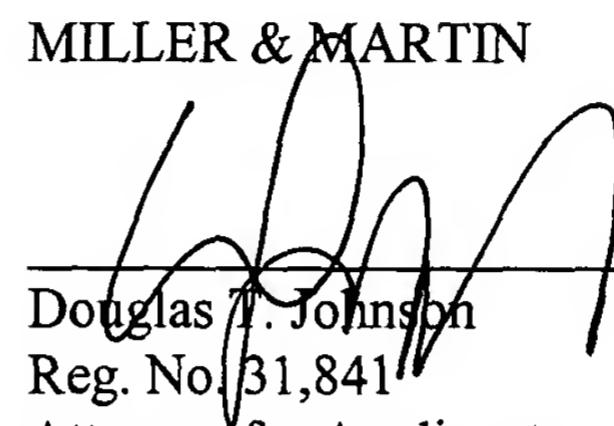
ZAKSENBERG, U.S. Patent Nos. D421,904, D421,905, D422,212, D422,910, D423,351, D423,352, D432,419, D432,420, D436,037, and D451,803, disclose ornamental figures mounted on dip tubes.

LUPKE, et al., WO 99/17916 and DE 29814457U1, disclose the use of vertical corrugation, which may be advantageously used to manufacture utensils according to the invention.

Examiner is requested to review these references and cite them of official record in this application.

Respectfully submitted,

MILLER & MARTIN

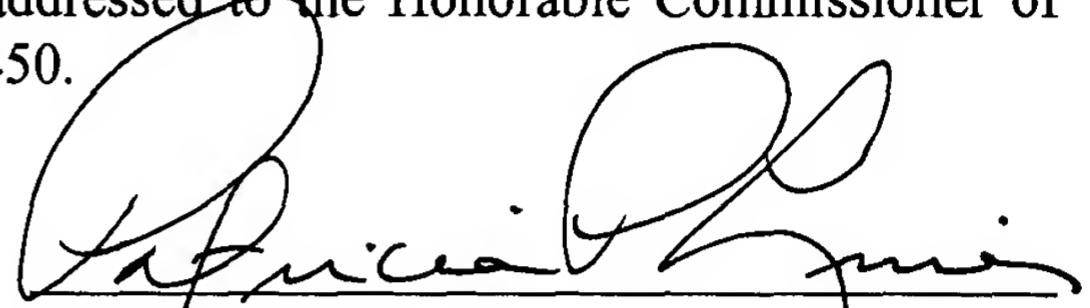

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Patricia P. Liner

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of 3

Application Number

Filing Date

First Named Inventor

Boettner

Art Unit

Examiner Name

Attorney Docket Number 06533-0103

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|---|--------------------------------|--|---|
| | | Number-Kind Code ² (<i>if known</i>) | | | |
| 1 | US- 5,038,476 | | | McCrea | |
| 2 | US- 5,727,321 | | | Lewis | |
| 3 | US- 5,946,807 | | | Crane and Crane | |
| 4 | US- 5,494,430 | | | Berns and Dickhut | |
| 5 | US- 6,193,496 | | | Dickhut and Berns | |
| 7 | US- 5,915,600 | | | Bitton | |
| 7 | US- 6,006,958 | | | Bitton | |
| 8 | US- 6,223,939 | | | Bitton | |
| 9 | US- 6,345,731 | | | Bitton | |
| 10 | US- 6,276,566 | | | Zaksenberg | |
| 11 | US- 6,119,897 | | | Boileau | |
| 12 | US- D421,904 | | | Zaksenberg | |
| 13 | US- D421,905 | | | Zaksenberg | |
| 14 | US- D422,212 | | | Zaksenberg | |
| 15 | US- D422,910 | | | Zaksenberg | |
| 16 | US- D423,351 | | | Zaksenberg | |
| 17 | US- D423,352 | | | Zaksenberg | |
| 18 | US- D432,419 | | | Zaksenberg | |
| 19 | US- D432,420 | | | Zaksenberg | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|--|--------------------------------|--|---|----------------|
| | | Country Code ³ Number ⁴ Kind Code ⁵ (<i>if known</i>) | | | | |
| 1 | WO 99/17916 | | 04-15-1999 | Lupke | | |
| 2 | DE 29814457U1 | | 12-24-1998 | Lupke | | |
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Boettner

Attorney Docket Number 06533-0103

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| | | Application Number | |
| | | Filing Date | |
| | | First Named Inventor | Boettner |
| | | Art Unit | |
| | | Examiner Name | |
| Sheet | 3 | of | 3 |
| | | Attorney Docket Number | |
| | | 06533-0103 | |

NON PATENT LITERATURE DOCUMENTS

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